

PART XVII.—OFFENCES, PENALTIES AND REWARDS.

1. It is very necessary that the interests of Government should be carefully preserved as regards all forest rights; and at the same time, some consideration is due to the inhabitants of tree-producing districts, who have for very many years enjoyed the benefit of collecting certain produce of the trees. It is most inexpedient to overcrowd the limited jails of the country with persons convicted of very petty forest thefts.

The Forest Officers have no practical acquaintance with judicial or magisterial trials; and comments on them which they may consider it their duty to make, should be couched in temperate and moderate language. (G. R. No. 5438, dated 6th September 1877.)

2. It is not expedient that the proceedings of the magisterial authorities should be lightly questioned by the Forest Officers. If in any particular case it is deemed necessary to appeal to the Sessions or High Court against any magisterial decision, that course will be adopted after Government have been convinced that there has been a substantial failure of justice. (G. R. No. 6651, dated 26th December 1878.)

3. Section 63 of Act VII of 1878 provides that any Forest Officer may arrest without warrant any person 'against whom a reasonable suspicion exists of his having been concerned in any forest offence punishable with imprisonment for one month or upwards.' He is bound to take or send any person so arrested before the Magistrate without necessary delay. Section 223 of the Indian Penal Code contemplates the 'keeping in confinement' a person who is 'charged with or convicted of any offence or lawfully committed to custody,' and not of a person who is arrested and taken at once before a Magistrate on suspicion of being concerned in any offence. A Forest Officer has no authority to keep in confinement any person charged with having committed a forest offence. A person who is arrested on suspicion by a Forest Officer cannot be said to be 'charged with having committed a forest offence.' Section 223 of the Indian Penal Code provides for a more serious kind of offence than such an act of negligence as that of a forest guard who negligently suffers a person arrested on suspicion of having committed a forest offence to escape, which can only be punished departmentally by fine, suspension or dismissal. (L. R. No. 1049, dated 5th September 1881; *vide* G. R. No. 5459, dated 21st *idem*.)

4. The Conservators of Forests should issue orders to their subordinates that, in cases coming under Section 63* of the Indian Forest Act when the nearest Magistrate's Court is at a distance from the scene of the alleged offence and a Police

* *Vide* amendment made in this section by Section 12 of Act V of 1890.

station is within convenient access, an accused person who is ready and willing to give bail should be taken for that purpose to the Police station.

The Police Superintendents should be directed in communication with the District Magistrates, to issue orders to officers in charge of Police stations requiring them in these cases to take bail in accordance with Chapter XXXIX of the Criminal Procedure Code. It is not desirable to increase the number of Police stations, merely for the sake of giving a wider operation to these orders. If a post is declared to be a Police station, it must be a Police station for all purposes, and the powers of the officer in charge of it cannot be limited to certain sections of the Code of Criminal Procedure. His Excellency in Council is prepared to declare any outpost to be a Police station, for which an officer can be found of sufficient position to be entrusted with all the powers which under the Code are assigned to an officer in charge of a Police station: but he cannot create Police stations which will be in charge of constables who are not qualified for the general duties of the post, merely for the purpose of providing officers who may take bail from persons arrested by Forest Officers.

(G. Rs., J. D., Nos. 1702, dated 4th March 1884, and 8297, dated 2nd December 1885, and G. M. No. 10364, dated 24th idem.)

5. A person cleared and cultivated a piece of land situate in a forest reserve. He was convicted and punished under Section 25 of the Forest Act. The crop, too, raised on the land was cut and attached. The question was raised whether the crop came within the definition of 'forest produce' as given in Section 2 so as to allow of its disposal under Section 55. The following opinion (No. 1060, dated 9th August 1884) was recorded by the Remembrancer of Legal Affairs:—

"The definition of the term 'forest produce' given in the Forest Act is not exhaustive, and reading the term in its ordinary sense it means anything which is produced in a forest, and it, therefore, includes, in my opinion, a crop raised in a forest reserve.

"2. I agree with the Collector that in the case he mentions the crop is the property of Government by accession, and, therefore, under Section 55 of the Act, may be taken charge of by a Forest Officer."

(L. R. No. 1060, dated 9th August 1884; *vide* G. R. No. 6910, dated 28th idem.)

6. A Forest Officer has power, under Section 63 of the Indian Forest Act, to arrest without warrant a person guilty or reasonably suspected of having cut without the requisite permission Government teak trees on occupied numbers, but at the same time as such teak is not forest produce he has not authority to seize it under Section 52 of the Act. The unlawful cuttings and loppings under the rule under Section 75 published in Government Notification No. 343, dated 15th January 1883, being the pro-

perty of Government can, however, be seized and detained, pending final disposal of the case, by the officers of Government under the ordinary criminal law like any other stolen property. (G. R. No. 9961, dated 11th December 1885*.)

7. It is not desirable to pass a general ruling empowering all Extra Assistant Conservators to authorise the institution of prosecutions for forest offences, but Government will be prepared to confer that power upon any experienced and intelligent officers of the Extra Assistant Conservators' grade on whose behalf special recommendation may be made. (G. R. No. 3452, dated 29th April 1884.)

8. The penal clauses of the Indian Forest Act are applicable in cases in which the rights of Government or private persons to or over land notified as reserved forest under Section 34 or the forest produce thereof have been enquired into, settled and recorded in a manner which Government think sufficient, as at a demarcation previous to notification or after the enquiry by a Forest Settlement Officer appointed under Chapter II of the Act. Government do not consider that prosecutions under the above-mentioned clauses will lie with respect to lands in which a proper forest settlement or demarcation has not already been carried out or which are still the subject of enquiry by the Forest Settlement Officer, and regarding which his report has not yet been submitted to and approved by Government.

The exercise of the greatest care and forbearance are absolutely necessary in the institution of prosecutions under the Forest Act. Criminal charges under the Act should only be preferred after warnings have been disregarded, and in cases where no reasonable doubt can exist that the offender has intentionally and knowingly transgressed the provisions of the Act, and has not merely ignorantly acted in accordance with previous custom or in pursuance of a right which he in good faith believed that he possessed.

(G. R. No. 2206, dated 26th April 1880, and G. M. No. 6618, dated 14th December 1880.)

9. The Conservators and Collectors should be reminded that unless notifications of reserved trees and restrictions on the collection of produce in protected forests are published under Section 29 (a) of the Indian Forest Act and rules as to the granting of licenses to remove produce are made under Section 31, the felling and lopping of trees and the collection and removal of produce are not offences under Section 32 of the Act. Attention should, therefore, be given to these matters as soon as the record of rights is completed in any taluka. (G. R. No. 8977, dated 14th November 1884.)

* Since this Resolution was passed, the definitions of "timber" and "forest produce" in Section 2 of the Forest Act, 1878, have been altered by Act V of 1890. 'Forest produce' now includes timber, whether found in, or brought from, a forest or not.

10. As regards the question whether under the

“And no fresh clearings for cultivation or for any other purpose shall be made in such land.”

provision in Section 5 of the Indian Forest Act quoted in the margin, a person who cuts a tree upon land which has been provisionally notified under Section 4, and is awaiting notification under Section 19, renders himself liable thereby to prosecution under Section 25 (a) and to the penalties provided by that section. Government are of opinion that the advisability of prosecuting in such cases would depend in each case very much on the respective rights of Government and the cutters to the trees, but under any circumstances the care and forbearance inculcated in Government Resolution No. 2206, dated 26th April 1880, in instituting such prosecutions should be exercised by the Forest Department. (G. R. No. 3977, dated 3rd June 1886.)

11. Pending the completion of enquiry into rights, Government do not desire to prosecute where there is a colourable defence that the accused person supposed himself to be in exercise of a right or custom. In cases where no such defence can be pleaded, prosecution may be allowed, for otherwise the Government forests would be without protection while enquiry is going on.

Moreover in the cases where prosecutions are not at present allowed, it does not follow that the rayats should be permitted to set at defiance orders which Government have issued on a reasonable view of their rights. Government may through their Forest Officers prevent the exercise by the rayats of asserted rights of which Government deny the existence, leaving the claimants to sue Government in order to establish their claims.

(G. Rs. Nos. 7844, dated 3rd October 1884, and 6425, dated 18th September 1891.)

12. It is most undesirable that ignorant villagers should be prosecuted in the Criminal Courts for taking from the Government forests a few twigs, or small branches, or a little brushwood of inappreciable value. Such injudicious severity on the part of the officers of the Forest Department is calculated to do more harm than good, and to excite widespread dissatisfaction and angry feeling. In no instance, at all events, should a person be prosecuted for a first offence of so exceedingly trivial a nature. A mere warning on the part of the Forest Officer would suffice. But if after being detected and warned once or twice the same person is again discovered cutting Government trees, the circumstances of the case would be altered, and wilful and repeated infractions of the law may form a suitable and proper ground for criminal prosecution. As far as possible, however, such prosecutions should be avoided, and recourse should only be had to them when real injury is being caused to the Government forests, and when there is good reason to believe that the offender is deliberately and of set purpose transgress-

ing the law. (G. R. No. 5730, dated 28th October 1880.)

13. The express object of Government Resolution No. 5730, dated 28th October 1880, was to check the institution of prosecutions on-trivial grounds, and if the instructions are intelligently carried out, the result will be a marked decrease of prosecutions, and not an increase of unsuccessful prosecutions. When prosecutions are instituted on good grounds, it is important that they should be conducted with judgment and promptitude and the Conservators should take such measures as are within their power to secure this object, but they should at the same time see that the instructions contained in Government Resolution No. 5730, dated 28th October 1880, are thoroughly understood by their subordinates, and insist on their being intelligently carried out. (G. R. No. 7796, dated 22nd December 1881.)

14. The prosecution of petty offences against the Forest Act should be discouraged as leading to a great deal of petty oppression. His Excellency the Governor in Council would, therefore, press on all Magisterial and Forest Officers the necessity of using great caution and judgment in regard to such offences. For the benefit of the general public and the country at large, Government are bound to do all that lies in their power to recover the forests from the deteriorated condition into which, by the uncontrolled action of the villagers, they have fallen throughout the whole Presidency. In carrying out this policy efficiently, the villagers must be treated with a certain amount of firmness which appears to them harsh after the liberty they for so long enjoyed and abused, but Government trust that the Commissioners, Collectors and Forest Officers do, as far as they can, and in future will try still further to, act in a discreet and judicious manner. (G. R., J. D., No. 61, dated 6th January 1883.)

15. Forest conservancy will never be effective if the people who live in or near the forests are opposed to it; their co-operation may be enlisted by considerate treatment, while injudicious severity inevitably creates a spirit of antagonism. No Magistrate of ordinary intelligence would dismiss a case of wanton destruction of seedlings as trivial on the ground that the wood after being cut would fetch a small price, and the District Magistrates should take steps to prevent any such failure of justice. On the other hand, the officers of the Forest Department should be enjoined to act with discrimination in bringing prosecutions. In the Southern Division, no prosecutions are instituted without the approval of the Divisional Forest Officer, and the effect of this rule is said to have been very salutary. A similar rule should be enforced in the Northern Division. (G. R. Nos. 658, dated 25th January 1883, and 8810, dated 30th November 1883.)

16. The practice of instituting prosecutions in cases of trivial forest offences long after the commis-

sion of the offences is very objectionable and should be stopped. (G. R. No. 226, dated 10th January 1893.)

17. Forest Rangers and Foresters should be included within the definition of "Forest Officers" as given in Section 55 of the Indian Forest Act, VII of 1878. (G. R. No. 6008, dated 12th October 1881.)

18. The orders in Government Resolution No. 5730, dated 28th October 1880, should be strictly observed by all officers concerned, and should be applied to cases reported for departmental disposal by Forest Officers empowered under Section 67 of the Forest Act as well as to prosecutions in the Magistrates' Courts. Arrests and punishments of all kinds for *trivial* forest offences should be avoided. It must at the same time be remembered that the gravity of a forest offence is not always to be measured by the amount of actual damage done to forest property. When mischief of even small actual money value has been deliberately committed; or when there has been persistent infraction of forest rules, the breach of law is aggravated by the intention with which it was committed and the offender may properly be punished. But it is necessary that punishment should be preceded by judicial investigation and that in cases of the kind just noticed the intentions of the offenders as well as their acts should be weighed, on the consideration of evidence recorded under the sanctions prescribed by the law and after the accused persons have had opportunity for making their defence in the presence of the adjudicating officers. The Magistrates' Courts established in every taluka afford sufficient and accessible means for the trial of cases of forest offences in which Forest Officers may consider the infliction of punishment to be necessary, and the Governor in Council sees no reason in the circumstances of the forests of this Presidency that would call for the removal of such cases from the cognizance of the regular Courts and their reference to departmental tribunals specially constituted under the provisions of the Forest Act.

On the other hand, the Governor in Council is not prepared to accept at once the recommendation that the operation of Section 67 should be placed in absolute abeyance. The Governor in Council does not contemplate the punishment of *trivial* forest offences either through prosecutions in the Magistrates' Courts, or through departmental proceedings; but the Government would not object, in the case of offences in which substantial damage has been done to the forests, or the payment of forest dues has been evaded, under circumstances that do not call for the infliction of exemplary or deterrent punishment, to their being compounded by the acceptance of compensation equivalent in value to the damage done or the amount of the dues evaded. It appears that the provisions of Section 67 may probably be worked with benefit to the subject and

to the Forest Department in a number of cases, under the limitation above mentioned and provided that the proceedings of Forest Officers under that section are subjected to the supervision of the Collectors.

19. The attention of officers exercising the powers prescribed by Section 67 of the Forest Act is directed to the observations in paragraphs 5 and 10 of the report* of the Remembrancer of Legal Affairs, No. 1246, dated 25th August 1892.

* *Extract paragraphs 5—10 of the report of the Remembrancer of Legal Affairs, No. 1246, dated 25th August 1892.*

"5. The alternative to payment of compensation is prosecution, and the suspected offender would necessarily be aware that he was liable to prosecution unless compensation is accepted. It rests with the suspected offender to elect whether he will await a judicial decision or tender compensation, and with the officer empowered to consider whether the tender should be accepted. Neither threat of prosecution nor demand of compensation is contemplated by the section.

"6. It is not, I trust, out of my province to note that the practice referred to in paragraph 10 of the Minute, under which 'sums realised as compensation are usually distributed as rewards among the forest subordinates who detected the cases', is utterly illegal, as even the Local Government has no power to direct rewards to be paid to officers and informers out of the sums realised under Section 67 as compensation. Such power exists under Section 75 only as to rewards to be paid out of *finer* and *confiscations* which must be regulated by rules. The Legislature has evidently not thought fit to give the Forest Department power both to assess and to distribute sums accepted in *compensation*.

"7. In the second part of paragraph 13 it is observed that the second sub-clause of Section 63 directs persons arrested for forest offences to be taken or sent without unnecessary delay before the Magistrate having jurisdiction. Section 12 of Act V of 1890 adds the words 'or to the officer in charge of the nearest Police station.' The power of arrest exists only where there is reasonable suspicion against the person arrested of his having been concerned in a forest offence punishable with imprisonment for one month or upwards. The Act gives no power of detention or restraint for the purposes described in the third part of paragraph 11 of the Minute, and for mere *cattle trespass*, unaccompanied by opposition to seizure, or by rescue after seizure except when it is permitted by the offender within the meaning of Section 25 (d) or Section 32 (g), it is difficult to see how there can be any power whatever to arrest.

"8. With reference to the part of paragraph 13 marked '3rd', I think there can be no doubt that Forest Officers have no power, and cannot be given power, to hold Pancháyats, accept bail or release on bail accused persons. A strict construction must be placed on Section 71, as on all enactments conferring special powers.

"No special power is necessary to authorize Forest Officers to take the opinion of a Pancháyat for their own information or that of their superiors. But special power would be requisite and is not given to compel the attendance at such Pancháyat of the accused. The attendance of witnesses as to the amount of damage might be enforced by officers specially empowered in that behalf under Section 71 (a).

"9. There can be no doubt, as observed in paragraph 13, 4th, that the acceptance of compensation by officers not empowered by name or as holding an office to accept compensation is clearly illegal, and when payment to such unempowered officers is induced by threat of prosecution or by restraint, it might amount to an offence under the Indian Penal Code.

"10. No detention would be justifiable for the purpose of inducing a suspected offender to accede to a particular demand or compensation, nor does Section 67 appear to contemplate any demand even by an officer empowered to accept."

It is open to serious question whether some Forest Officers have not exceeded their lawful powers in making arrests and detaining offenders and in holding enquiries into alleged forest offences, as well as in paying rewards for detection out of amounts accepted as compensation. The attention of all officers concerned is directed to the observations on these points in paragraphs 6, 7, 8 and 9 of the report of the Remembrancer of Legal Affairs above referred to.

The attention of the officers of the Revenue, Police and Forest Departments is drawn to the remarks in Government Resolution No. 7232, dated 12th September 1892, regarding the treatment of cases of cattle trespass on forest lands, and the necessity is impressed on the Commissioners, Collectors and District Magistrates for the exercise of close and constant supervision over the proceedings of all officers subject to their authority in that and the other matters dealt with in this Resolution. (G. R. No. 7907, dated 6th October 1892.)

20. The remarks in Government Resolution No. 7907, dated 6th October 1892, purported to draw attention to the apparent illegality of what was supposed to be the practice of the Department, *viz.*, to apply sums realized as compensation for damages, as distinguished from fines, directly to the payment of rewards. They were not intended to be read as withdrawing from Forest Officers the power of granting rewards in accordance with the orders of Government out of funds provided for the purpose. (G. R. No. 3920, dated 30th May 1893.)

21. The principles set out in the marginally noted paragraphs

"7. One of the objects which Government evidently had in view in directing such departmental enquiry was to prevent compensation being taken in cases which a Court would treat as too trivial to call for punishment. In other words, the departmental enquiry is deemed necessary to ascertain in each case that the offer of compensation has not been improperly induced.

"8. The Act itself requires no enquiry whatever. The only limit which Section 67 (a) imposes on officers is a pecuniary limit. The Legislature presumably considered that a man would not be likely to offer more than he would expect to lose by a judicial decision. The suspected offender is left to judge for himself as to the adequacy of his offer.

"9. But, then, the Legislature presupposes that no demand will be made or pressure used on part of the officer empowered to accept compensation.

"10. The section, in empowering acceptance by implication, requires that the offer should originate spontaneously with the person suspected.

"11. If in practice it could be confidently expected that suspected offenders would always be left thus entirely to exercise their own free will and judgment, there might be little cause for fear that the sums offered and accepted would be unduly penal in amount.

"12. But since this ideal freedom of will is not invariably secured in practice, the only means to guard against the exercise of pressure by subordinates seems to be to require officers empowered to accept compensation to ascertain :—

(a) that appreciable damage has been done
nd

7 to 14 of the report of the Remembrancer of Legal Affairs, No. 1512, dated 17th October 1892, are in accord with the instructions conveyed in Government Resolution No. 7907, dated 6th idem, and have the approval of Government.

The officers empowered under Section 67 of Indian Forest Act should, subject to the procedure laid down in the rules on the subject

(b) that the offer made is not disproportionately high.

"13. As pointed out in paragraphs 3 and 4 of my No. 1246 of 25th August 1892, the Legislature have left to the Executive Government the power of supplementing the Act in the regulation and control of Forest Officers.

"14. The Act itself implies that there should be no demand or pressure on the part of Forest Officers. It would be unnecessary and out of place to prohibit by rules action which the Legislature has by implication left unauthorized. But it is within the legitimate scope of rules to provide procedure to guard against such unauthorized action".

satisfy themselves by correspondence as to the facts in each case. They may properly take into consideration consequential or prospective as well as actual damage

in deciding whether amounts offered should, or should not, be accepted as compensation for offences committed in stay of further proceedings.

The orders in Government Resolution No. 7907, dated 6th October 1892, indicate clearly the classes of offences which, in the opinion of Government, should be treated as trivial. The gravity of a forest offence is not always to be measured by the money value of the damage done to forest property. The Governor in Council is, therefore, unwilling to prescribe a limit of money value of damage done up to which an offence is to be considered trivial. Each case must be treated on its own merits on consideration of all the circumstances surrounding it. Uniformity of practice in this matter can be effectively secured by the exercise on the part of the Commissioners, Collectors and Conservators of due supervision over the proceedings of the Executive Forest Officers.

In cases of cattle trespass on forest lands, proceedings should ordinarily be taken under the Cattle Trespass Act, and whenever further proceedings against the offenders may be considered expedient, they should ordinarily be by complaint laid before a Magistrate.

(G. Rs. Nos. 8626, dated 3rd November 1892, and 1355, dated 17th February 1893.)

22. In cases compounded under Section 67 of the Indian Forest Act rewards may be granted in accordance with the following rule:—

Rewards to persons contributing to the detection of a case may be given up to a maximum in each case of Rs. 10 and within the limit of the sum realized by the Divisional Forest Officer, and above Rs. 10 and within the limit of the sum realized by the Conservator.

(G. R. No. 8568, dated 16th December 1887.)

23. It appears desirable that a register showing all cases of forest offences compounded by Forest Officers under Section 67 of the Forest Act should be submitted annually. It should form part of the ordinary annual report. (G. Rs. Nos. 8568, dated 16th December 1887, 866, dated 8th February 1888, 2280, dated 14th April 1888, and 5120, dated 31st July 1888.)

24. The operation of Section 67 of the Forest Act requires to be carefully watched, and any tendency

to have recourse to this mode of settlement in doubtful cases where the evidence would be insufficient to secure convictions before Magistrates, must be promptly repressed. "Reasonable suspicion" of the commission of a forest offence is essential in every case compounded under Section 67.

In future administration reports the Conservators should report for each district the number of complaints disposed of under Section 67 of the Forest Act, as well as the number of cases in which fines have been inflicted, also the number of appeals, if any, against decisions passed under Section 67 and the manner of their disposal. The reports should also show how many fines were inflicted amounting to one rupee, how many to two rupees, how many to three and so on up to the maximum.

(G. R. No. 1899, dated 13th March 1891.)

25. A Forest Officer duly empowered under Section 67 of the Indian Forest Act is authorized to accept *money* and not a *promise* to pay the same. If no money is paid and accepted by way of compromise under Section 67, the only alternative for the Forest Officer would be to prosecute the party concerned. The object of Section 67 is evidently to avoid the worry and harassment attendant on prosecutions, and at the same time to guard the interests of Government against present and prospective loss. The settlement to be effected under that section is essentially an amicable settlement, and it entirely depends on the free will and choice of the suspected offender on the one hand and the Forest Officer on the other. To import, therefore, an element of compulsion, such as the recovery of the money by revenue process, is distinctly opposed both to the letter and the spirit of the provisions of Section 67.

It is clear from the wording of Section 67 that the Forest Officer is not to complete the settlement of the case before receipt of the money agreed on, and that any settlement made by him on the mere promise of a suspected offender is null and void.

(G. R. No. 5905, dated 29th August 1891.)

26. The following is the latest order issued by Government to regulate the proceedings of Forest Officers under Section 67 of the Indian Forest Act :—

Every case of a forest offence should be reported at once by the Forest subordinate who becomes aware of it, to the Divisional Forest Officer through the ordinary channel on a form providing for the following particulars :—

- (1) Date, locality, and brief description of the offence.
- (2) Name, age, caste, occupation, and residence of the offenders, if ascertained, and brief note of what they have to say, whether they desire to compound, and, if so, what is in his opinion the sum for which they should be allowed to

compound (stating the reason for fixing the particular amount) and whether the offenders are willing to pay the sum in question.

(3) Value of damage done, property seized, or due evaded, as estimated by reporting officer, and whether offenders accept that estimate, or demand enquiry.

(4) Whether offenders have been arrested or not, and if so, to what Magistrate or Police-station they have been sent, and why arrest was necessary.

(5) Witnesses cited by either side.

(6) Whether any animals have been seized and pounded, and if so, amount of fees and charges recovered, and whether they were paid by the accused or by other people, so far as these particulars may be readily ascertainable.

(7) Any information the reporting officer may be able to supply as to previous warnings or convictions and other points bearing on the questions, whether any, or exemplary, punishment is needed.

(2). On this report the Divisional Forest Officer should ordinarily be able at once to endorse his order directing either that no further action should be taken, or that the offer to compound should be accepted, or that magisterial proceedings should be instituted and the Forest subordinate should thereon report the result. It is of course open to him to make enquiry himself or direct enquiry to be made in order to satisfy himself that the report is correct, if he thinks it necessary to do so but no unnecessary delay in deciding whether to accept the offer to compound or not should be allowed. The order to accept should specify the time within which and the person to whom payment is to be made, failing which magisterial proceedings will be taken. An order to take magisterial proceedings should provide for any further departmental enquiry which the Divisional Officer may consider necessary as a preliminary to doing so, and should such enquiry go to show that a prosecution could not be sustained, a further order to that effect may be passed. But it will not then be open to the Divisional Forest Officer to resort to proceedings under Section 67.

(3). The report form should be kept in ordinary duplicates, with appropriate headings and columns for the Divisional Forest Officer's register number and orders, and for the further or final reports, the leaves intended to be the office copies being bound and kept as the counterfoil and the loose leaves used for the reports. The bound books would thus form a current and permanent register of all the proceedings of that particular subordinate, which it should be his duty to produce for examination and check both to his own departmental superiors and to District officers visiting the neighbourhood of his beat.

(4). A register in corresponding form should also be kept by the Divisional Forest Officer in which particulars of each case as reported should be posted up with the orders passed on it. A quarterly abstract of this register should be sent to the Collector for inspection in the same way as magisterial returns.

(5). In every case in which the Divisional Forest Officer directs further proceedings to be taken, whether under Section 67 or magisterially, in a case in which pound fines and charges have been paid, the reasons for doing so should be clearly stated in the order.

(6). No order should be given to proceed under Section 67 in any case in which the Divisional Forest Officer would not be prepared to order magisterial proceedings to be taken under paragraph 2 above, in the event of the accused declining or failing, within a time to be fixed in the order, to comply with the terms of composition offered or agreed to.

(7). No restraint should be placed by subordinate Forest Officers on persons suspected of offences to be made the subject of these reports, except when they fail to satisfy the officer as to their identity and residence or when there is reason to fear they may not be forthcoming when wanted. In such cases the officer concerned should, if the case is one in which in his opinion further proceedings (apart from mere impounding of cattle) are necessary, arrest the offenders and send them to the nearest Magistrate or Police-station as required by Section 63, making at the same time the usual report to the Divisional Forest Officer. Cases in which the accused has been arrested as above should take their usual course without waiting for the orders of the Divisional Forest Officer. But in case an order to compound is received at any time before such a case is disposed of by the Magistrate having jurisdiction, the Magistrate should be informed of it and asked, if the accused complies with its terms, to discharge him under Section 67 (2).

(8). The reports proposed above should be prepared by the forest subordinate himself if he can write; if not, by his immediate superior, to whom the facts may be reported verbally if he is within reach, or by the village Kulkarni or Taláti, and when the accused is in attendance, should be read over to him, and countersigned by the Pátíl in token that this has been done before despatch. Any objection the accused may take should be noted.

(G. Rs. Nos. 4516, dated 15th June 1895, and 6102, dated 10th August 1895.)

27. All fines under the forest law when levied by Magisterial authorities should be credited to 'Law and Justice,' and when levied by Forest Officers without the interposition of the Magistrate

to Forest Revenue. (G. I. No. 2-F., dated 24th January 1867; *vide* G. R. No. 513, dated 9th February 1867.)

28. The words “fines and confiscations” appearing in Rule I of the Rules published under Government Notification No. 5587, dated 18th October 1879,* do not include compensation for damage done to forest property. (G. R. No. 3191, dated 15th May 1882.)

* Printed at page 133 of the Compilation of General Rules.

29. The order of the trying Magistrate is not necessary under Rule 1 of the Rules under Section 75 of the Forest Act, 1878, to enable a reward to be granted; it is only required to allow a reward in excess of one-half of the proceeds of the fines and confiscations in a case to be given. (G. R. No. 3827, dated 12th June 1888.)

30. It was intended by Rule 1 of the Rules under Section 75 of the Indian Forest Act for the grant of rewards to the officers and informers through whose instrumentality conviction is obtained in forest cases that the action of the magistracy should be confined to directing, when it is thought fit, that a larger amount than one-half of the proceeds of fines and confiscations shall be paid as rewards, and that the distribution and apportionment of the rewards should be left to the Conservators of Forests. (G. R. No. 7717, dated 20th October 1893.)